

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
JANUARY 16, 2007  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Bennett, Masica, Swenson, and Chair Hovland.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Masica and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item VI.G. Traffic Safety Staff Review of January 3, 2007, and Agenda Item VI.H. Resolution No. 2007-14 Amending ICMA 457 Government Deferred Compensation Plan and Trust.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2006, REGULAR MEETING OF JANUARY 2, 2007, SPECIAL MEETING OF JANUARY 2, 2007, AND CLOSED SESSION OF JANUARY 2, 2007, APPROVED** Motion made by Member Masica and seconded by Member Swenson approving the Minutes of the Regular Meeting of December 19, 2006, Regular Meeting of January 2, 2007, Special Meeting of January 2, 2007, and Closed Session of January 2, 2007.

Motion carried on rollcall vote – four ayes.

**EDINA BASKETBALL ASSOCIATION THANK YOU** Mayor Hovland stated the Association asked to be placed on the agenda to express their thanks for the new gymnasiums. No one appeared from the Association.

**494 COMMUTER SERVICES AWARD FOR 2006 OUTSTANDING PROMOTION OF BICYCLE USE PRESENTED** Melissa Madison, 494 Corridor Commission and 494 Commuter Services, introduced Sally Carlson Bancroft from the 494 Commuter Services. Ms. Madison presented the City of Edina with an award for outstanding promotion of bicycle commuting in 2006.

**\*VACATION OF DRAINAGE AND UTILITY EASEMENT - LOT 1, BLOCK 2, BRAEMAR HILLS 8<sup>TH</sup> ADDITION CONTINUED TO FEBRUARY 6, 2007** Motion made by Member Masica and seconded by Member Swenson continuing the Vacation of Drainage and Utility Easement for Lot 1, Block 2, Braemar Hills 8<sup>th</sup> Addition to February 6, 2007.

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2007-18 VACATING PUBLICRIGHT-OF-WAY FOR APPLE LANE WHILE RETAINING UTILITY EASEMENT** Affidavits of Notice were presented approved and ordered placed on file.

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Engineer Houle reported the applicant; Kurt Kruemenauer of 5108 Green Farms Road requested the proposed vacation of the existing roadway, Apple Lane. He explained the roadway was constructed with the Parkwood Knolls 22<sup>nd</sup> Addition which had included a connection from Kelsey Terrace to Green Farms Road. Mr. Houle said in 2001 the connection was eliminated from the master plan.

Mr. Houle added the resident at 5112 Green Farms Road had no objections to the vacation. He added if the vacation were approved by the Council, Public Works staff would restore the roadway to sod during the summer while working with the 5112 property owner to accommodate their driveway. Mr. Houle added if the right of way were vacated the County would determine who had ownership of the property. Attorney Gilligan added the County had the records of the ownership underlying the right of way.

The Council briefly discussed the requested vacation. Their questions included who would bear the cost of removal of the black top, the determination of ownership for the property and whether or not any impediments to the requested vacation existed. Mr. Houle explained the City would remove the blacktop and recycle it as well as replace the sod during slow times in the summer.

Kurt Kruemenauer, 5108 Green Farms Road, explained the reasons he was requesting the vacation. He explained the roadway was not lit and had become quite a "night" spot for young people. Mr. Kruemenauer said it was his intention to landscape the area.

Anthony Lawrence, 5112 Green Farms Road, said he supported the requested vacation.

**Member Swenson made a motion to close the public hearing, seconded by Member Masica.**

Ayes: Bennett, Masica, Swenson, Hovland  
Motion carried.

**Member Swenson made a motion introducing Resolution No. 2007-18 and moving its adoption vacating the public right of way for Apple Road while retaining the underlying utility easements.** Member Masica seconded the motion.

Rollcall:  
Ayes: Bennett, Masica, Swenson, Hovland  
Motion carried.

**\*HEARING DATE SET OF FEBRUARY 6, 2007, APPEAL OF JANUARY 4, 2007, ZONING BOARD DECISION FOR CASE NO. B-07-2. TE MILLER DEVELOPMENT AT 3201 AND 2101 69<sup>TH</sup> STREET WEST** Motion made by Member Masica and seconded by Member Swenson setting February 6, 2007, as Hearing Date for appeal of January 4, 2007, Zoning Board Decision for Case No. B-07-2, TE Miller Development at 3201 and 2101 69<sup>th</sup> Street West.

Motion carried on rollcall vote – four ayes.

**\*SIGN VARIANCE APPEAL WITHDRAWN BY APPLICANT - TARGET CORPORATION - 7000 YORK AVENUE SOUTH** Motion made by Member Masica and seconded by Member Swenson approving the Sign Variance Appeal Withdrawal by the Applicant for Target Corporation - 7000 York Avenue South.

Motion carried on rollcall vote - four ayes.

**PUBLIC COMMENTS**

Ruth Melcher, 4624 Bruce Avenue, questioned how homes in her area would be assessed for a proposed sewer project. Mr. Hughes suggested Ms. Melcher appear at the public hearing for the improvement when the method of calculating any assessments would be explained.

**\*AWARD OF BID APPROVED FOR EMERGENCY MEDICAL DISPATCHING SOFTWARE/SUPPORT** Motion made by Member Masica and seconded by Member Swenson for award of bid for Emergency Medical Dispatching Software/Support to recommended sole bidder, Priority Dispatch Corporation of Salt Lake City, Utah, at \$22,145.00.

Motion carried on rollcall vote - four ayes.

**\*AWARD OF BID - COMPACT PICKUP TRUCK FOR UTILITY DEPARTMENT** Motion made by Member Masica and seconded by Member Swenson for award of bid for a compact pickup truck for the Utility Department to recommended sole bidder, Thane Hawkins Polar Chevrolet under State of Minnesota Purchasing Contract #436607 at \$19,380.37.

Motion carried on rollcall vote - four ayes.

**\*AWARD OF BID - 4 X 4 PICKUP TRUCK FOR PARK MAINTENANCE DEPARTMENT** Motion made by Member Masica and seconded by Member Swenson for award of bid for 4 x 4 pickup truck for the Park Maintenance Department under State of Minnesota Purchasing Contract #436607 at \$19,645.00.

Motion carried on rollcall vote - four ayes.

**\*AWARD OF BID - PLAYGROUND EQUIPMENT AT ALDEN PARK** Motion made by Member Masica and seconded by Member Swenson for award of bid for playground equipment at Alden Park to recommended low bidder Fital-Hintz Construction, Inc., at \$104,500.00.

Motion carried on rollcall vote - four ayes.

**COMMUNITY HEALTH SERVICES AGREEMENT WITH BLOOMINGTON APPROVED** Karen Zeleznak, Public Health Administrator for City of Bloomington, introduced Aileen O'Connell; Health Promotion Manager, Sue Sheridan; Manager of Senior Health Promotion and Emergency Preparedness; Lisa Brodsky, Emergency Preparedness Coordinator. Ms. Zelenek gave background on the contract that the City of Bloomington has had with the City of Edina for 30 years. She presented a packet that provided information on services provided by the Agency.

Sanitarian Engelman recommended renewal of the Community Health Services Agreement with the City of Blomington.

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Ms. Bennett recommended the Community Health Committee review the Agreement at their next meeting.

Following a Council discussion, **Member Swenson made a motion approving the renewal of the Community Health Services Agreement with Bloomington Public Health Division for \$171,492 for calendar year 2007.** Member Masica seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM AGREEMENT WITH BLOOMINGTON APPROVED** Karen Zeleznec, reminded the Council that the Public Health Preparedness and Response to Bioterrorism Grant covers three planning grants. She presented a summary of activities, a sample of the Edina Emergency Preparedness letter, a sample what could be purchased to be prepared, and a definition of what bioterrorism is.

Ms. Zeleznec reiterated that the grant money would be used by the Edina Health Department for emergency preparedness and pandemic flu planning expenses regarding public education, administrative duties, training, exercises and equipment.

Sanitarian Engelman noted that staff recommends approval of the 2007 Public Health Preparedness Agreement with Bloomington Public Health Services in the amount of \$56,073.00.

**Member Masica made a motion approving the Public Health Preparedness and Response to Bioterrorism Agreement Grant with Bloomington in the amount of \$56,073.00.** Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**PRESENTATION BY EDINA LEAGUE OF WOMEN VOTER ON BOARDS AND COMMISSION STUDY** Arlene Forrest, President of Edina League of Women Voters, 3400 West 50<sup>th</sup> Street, presented the study as completed by members of the League on Boards, Commissions and Committees (Boards). The study committee met, compiled information, drafted questionnaires, synthesized information and wrote up findings. Boards that were studied were, Art Center Board, Community Health, Construction Board of Appeals, Heritage Preservation, Human Rights and Relations, Park Board, Planning Commission, Recycling and Solid Waste, Transportation and the Zoning Board of Appeals. Ms. Forrest reiterated that the East Edina Housing Foundation was included in some of the surveys.

Ms. Forrest gave background into the process followed during the appointment process made to fill vacancies on the City Boards. She gave history, demographics, term limits, membership numbers and purpose of each Board.

Ms. Forrest said the League of Women Voters position statement stated their suggestions that, 1) codified uniform term limits for all appointed Boards/Commissions/Committees, 2) term limits were consistent and included in the City Code, 3) appointment reflect the demographics of the City, 4) accurate, accessible and timely publication of purpose of Boards, and vacancies and application appointment process, 5) accurate, consistent, accessible and timely publication of Boards member names, term dates and contact information, 6) City staff liaison names and contact information, and 7) Board meeting notices, agendas and minutes.

Mr. Hughes reminded the Council a calendar had been provided them with a date set for a Study Session on February 27, 2007, from 11:30 – 1:30 P.M. to consider the suggestions on Boards from the Edina League of Women Voters.

No formal Council action was taken.

**RESOLUTION NO. 2007-10 APPROVED - REQUESTING THREE RIVERS PARK DISTRICT ASSISTANCE DEVELOPING NORTH/SOUTH TRAIL CORRIDOR** Mr. Hughes stated Steve Rusk, Chair of the Bike Edina Task Force had asked the Council adopt a Resolution requesting the Three Rivers Park District assist the City and surrounding communities in developing a north/south trail corridor.

**Member Swenson introduced Resolution No. 2007-10 requesting the Three Rivers Park Rivers Park District assistance in developing a north/south trail corridor and moved its adoption.** Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**\*2007 COUNCIL STUDY SESSION DATES SET** Motion made by Member Masica and seconded by Member Swenson setting the fourth Tuesday each month between 11:30 a.m. and 1:30 p.m. as Study Session dates for 2007 as follows:

January 23, 2007

August 28, 2007

February 27, 2007

September 25, 2007

March 27, 2007

October 23, 2007

April 24, 2007

November 27, 2007

May 22, 2007

December 26, 2007 – Christmas Day was the fourth Tuesday

June 26, 2007

July 24, 2007

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2007-11 ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained in order to comply with State Statutes all donations to the City must be adopted by Resolution and approved by four favorable votes of the council accepting the donations.

**Member Swenson introduced Resolution No. 2007-11 and moved its adoption.** Member Masica seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

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**TRAFFIC SAFETY STAFF REVIEW OF JANUARY 3, 2007; APPROVED** Member Bennett removed the Traffic Safety Staff Review of January 3, 2007, from the Consent Agenda for further information. She questioned Section B. 1. that denied the request for further parking restrictions on Benton Avenue and the resident's inability to retrieve his mail. She asked what resolution of the resident's issue had been devised. Mr. Houle responded that staff would send a letter to Countryside School informing them of the residents' concern with his inability to retrieve his mail.

**Member Bennett made a motion approving the Traffic Safety Staff Review of January 3, 2007, Section A; and Section B.**

- 1. Denial of the request for further parking restrictions on Benton Avenue and that a letter be sent to the administration of Countryside School informing them of the residents concerns; and**

**Section C.** Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2007-14 APPROVED, AMENDING ICMA 457 GOVERNMENT DEFERRED COMPENSATION PLAN AND TRUST** Mayor Hovland asked that Resolution No. 2007-14 that would amend the ICMA 457 Government Deferred Compensation Plan and Trust be removed from the Agenda for further information. Assistant to the City Manager Smith stated there were three major changes to the plan, 1) one portion deals with money that can be deferred during military service, 2) an employee reaching 70 ½ years of age may withdraw funds from their deferred compensation and 3) in-service distribution of roll-over amounts.

**Mayor Hovland introduced Resolution No. 2007-14, Amending ICMA 457 Government Deferred Compensation Plan and Trust and moved its adoption.** Member Masica seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO., 2007-15 APPROVED EXTENDING SOCIAL SECURITY COVERAGE TO ELECTED OFFICIALS** Member Masica introduced Resolution No. 2007-15, seconded by Member Swenson approving Extending Social Security Coverage to Elected Officials.

Motion carried on rollcall vote – four ayes.

**ANNUAL REAPPOINTMENTS APPROVED TO BOARDS, COMMISSIONS AND COMMITTEES** Mayor Hovland presented his slate of board, commission and committee members who have responded that they would agree to be reappointed to their respective boards:

NAME	COMMITTEE	TERM ENDING
Kenneth Rosland	Art Center Board	2/1/2010
Sean Wenham	Construction Board of Appeals	2/1/2010
William Alldredge	Edina Community Health Committee	2/1/2010

Brad Montgomery	Edina Community Health Committee	2/1/2010
Tolu Oyelow-Lee	Edina Community Health Committee	2/1/2010
Ray O'Connell	Park Board	2/1/2010
Jeff Sorem	Park Board	2/1/2010
Michael Fischer	Planning Commission	2/1/2010
Diane Plunkett Latham	Recycling & Solid Waste Commission	2/1/2010
Warran Plante	Transportation Commission	2/1/2010
Marc Usem	Transportation Commission	2/1/2010
Mary Vasaly	Zoning Board of Appeals	2/1/2010
Jack Rice	East Edina Housing Foundation	2/1/2010

The Council had a brief discussion of the open positions which included: one position on the Art Center Board, one position on the Construction Board of Appeals, two positions on the Human Rights and Relations Commission, one position on the Park Board, two positions on the Planning Commission, two positions on the Recycling and Solid Waste Commission and two positions on the Transportation Commission. Mayor Hovland said that he was not presenting the Heritage Board members until he could speak with the one member who was serving on two boards. He noted that Dean Dovolis withdrew his re-appointment to the Transportation Commission. Following the discussion, **Mayor Hovland made a motion to re-appoint the list of candidates for reappointment he presented.** Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2007-12 APPROVED, DESIGNATING 2007 MUNICIPAL REPRESENTATIVES FOR EDINA FIRE RELIEF ASSOCIATION BOARD OF TRUSTEES**  
Member Masica introduced Resolution No. 2007-12, seconded by Member Swenson, approving the Designation of the 2007 Municipal Representatives for the Edina Fire Relief Association Board of Trustees.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2007-16 APPROVING HENNEPIN COUNTY ELECTRONIC PROPRIETARY DATA BASE (EPDB) CONDITIONAL USE LICENSE AGREEMENT**  
Member Masica introduced Resolution No. 2007-16, seconded by Member Swenson approving the Hennepin County Electronic Proprietary Data Base (EPDB) Conditional Use License Agreement.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2007-13 APPROVED SETTING HEARING DATE OF FEBRUARY 20, 2007, FOR ROADWAY IMPROVEMENT NO. BA-336, WEST 70<sup>TH</sup> STREET – FRANCE AVENUE TO YORK AVENUE**  
Member Masica introduced Resolution No. 2007-16, seconded by Member Swenson approving setting hearing date of February 20, 2007, for Roadway Improvement No. BA-336, West 70<sup>th</sup> Street – France Avenue to York Avenue.

Motion carried on rollcall vote – four ayes.

**\*CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated January 3, 2007, and consisting of 26 pages: General Fund \$180,137.50; Communications Fund \$36,452.45; Working Capital Fund \$70,818.80; Construction Fund \$6,773.16; Art Center Fund \$9,340.92; Golf Dome Fund \$4,710.01; Aquatic Center Fund \$86.14; Golf Course Fund \$19,120.94; Ice Arena Fund \$9,125.15; Edinborough/Centennial Lakes Fund \$26,780.03; Liquor Fund \$193,635.50; Utility Fund \$359,035.76; Storm Sewer Fund \$9,046.49; PSTF Fund \$2,031.36; **TOTAL \$927,094.21;** and for approval of payment of claims dated January 10, 2007, and consisting of 29 pages: General Fund \$659,194.23; Communications Fund \$34,018.54; Working Capital Fund \$58,475.29; Art Center Fund \$7,314.00; Golf Dome Fund \$921.38; Aquatic Center Fund \$3,139.45; Golf Course Fund \$3,947.51; Ice Arena Fund \$20,750.47; Edinborough/Centennial Lakes Fund \$21,589.07; Liquor Fund \$199,118.41; Utility Fund \$21,945.52; Storm Sewer Fund \$907.86; PSTF Agency Fund \$1,067.69; **TOTAL \$1,032,389.42.**

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2007-17 APPROVING ADOPTION OF THE CAPITAL IMPROVEMENT PROGRAM FOR 2007 - 2011** Mr. Hughes explained that although the Capital Improvement Program was a five-year program, it was reviewed and revised on an annual basis. He stated it was a one-year capital “budget” and a five year capital “plan”. Mr. Hughes noted the 2007 CIP budget included a reconstructed fire station, street and utility improvements, a new recycling tank at Water Treatment Plant No. 3, a new well, expansion of the Edina Art Center parking lot, Alden Park playground equipment, a new maintenance building at Courtney Fields, and a picnic shelter at Braemar Park. He stated the budget for the 2007 CIP was approximately \$25 million.

Under the plan, future projects include reconstruction of the west rink at Braemar Arena, reconstruction of the driving range at Braemar Golf Course and a new amenity at Edina Aquatic Center.

Following a discussion, Member Masica made an amendment removing the Interlachen Trail from the Capital Improvement Program for 2007-2011.

**Member Swenson made a motion approving Resolution No. 2007-17, eliminating PW-04002 the Interlachen Trail from the Capital Improvement Program as presented.** Member Masica seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

Dennis Johnson, Braemar Men’s Club, noted the driving range at Braemar Golf Course has the potential to be a better facility. He suggested some positive changes to the range to increase revenue for the City.

Member Masica questioned Joe Gruepner, pro at Braemar Golf Course, if the suggested re-arrangement would accommodate more customers. Mr. Gruepner responded that it would increase revenues.



Todd Anderson, Braemar Assistant Manager, indicated the proposed revenue from changes to the driving range would be from \$75,000 - \$100,000 annually and would take approximately 1-1/2 years to complete.

Mr. Hughes suggested the Council refer the issue to Park Board to be a part of a process for the Capital Improvement Program.

Alice Hulbert, 7221 Tara Road, noted that distances that a golf ball can be driven has changed and suggested a liability exists with the range allowing classes for new golfers as well as seasoned golfers at the same location.

Member Bennett commented about PW 07004 questioned the funding the capital projects appear to be a change of policy, i.e. the Northeast Edina Traffic Study. Mr. Houle said the plan was adopted on November 6, 2006. The amount in question was \$109,000 of Municipal State Aid Funds for traffic calming and included improvements at 50<sup>th</sup> & France, Vernon and Interlachen, potentially parking at 44<sup>th</sup> Street and France. The fund earmarked for traffic calming improvements were revolving funds and not a part of the Northeast Edina Traffic Study Report.

Mr. Hughes explained there were two kinds of traffic calming projects and most will occur in areas where a public hearing will be held that will have roadway or utility improvements. Other improvements may occur that would not be a part of the area proposed to be improved and the Council would chose to hear those projects before they were mplemented. The CIP notes those type of projects would be funded from the revolving fund as opposed to a levy of special assessments and would be a policy call by the Council.

**Member Swenson made a motion approving the Capital Improvement Program for 2007 - 2011.** Member Masica seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

**ORDINANCE NO, 2007-01 APPROVED - AMENDING UTILITY FEES** Engineer Houle gave background that in 2006, the Finance and Public Works Departments hired a consultant to complete a rate study for the City's water, storm water and sewer charges. The consultant recommended establishing a separate accounting for each utility and to adopt new rates and to increase sewer and water connection fees.

Mr. Houle noted recommendations from the consultant were to increase sewer rates 4.5 percent annually. The 2006 rate was \$2.34 per quarter and the 2007 would be \$2.45 per quarter. The City's storm water rate will increase to \$14.39.

To encourage conserving water and allocating the cost of having an over-sized system to those whose usage demanded it, the Council adopted a new tiered water rate system. Under new system, residents using up to 3,500 cubic feet of water will be charged 93 cents per 100 cubic feet. Those who use 3,600 to 6,500 cubic feet will be charged \$1.23 per 100 cubic feet and

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those using 6.501 cubic feet will be charged \$1.93 per cubic feet. The charge for connection to the city water or sewer systems will increase from \$1,000 to \$2,000.

Jessica Cook, Ehlers and Associates, gave background into the Water Rate Study completed by Ehlers on Edina's three utilities. She reminded the Council the utilities were enterprise funds meaning that revenues generated from the system were expected to pay for the system including improvements and appreciation.

Following a Council discussion, **Member Masica made a motion approving adoption of Ordinance No. 2007-01, Amending Utility Fees for 2007 with waiver of second reading.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:20 P.M.

Respectfully submitted,

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City Clerk